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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,317	08/31/2000	Darren Michael Launders	36-1350	1859

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

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DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/623,317

Applicant(s)

LAUNDERS ET AL.

Examiner

Jefferey F. Harold

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 7 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-3, 6 and 12-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Kamal (United States Patent 6,009,150).

Regarding **claim 1**, Kamal discloses a call processing method for delivering promotional messages. In addition, Kamal discloses a method of operating a telecommunications network including:

(a) in response to instructions from a second method party remote from a subscriber terminal, pre-programming the network to respond to none or more short dialing codes from the subscriber terminal, as disclosed at column 5, lines 14-40 and exhibited in figure 1;

(b) communicating in the absence of an in-progress call, to the subscriber terminal data identifying the allocation of short dialing codes pre-programmed in step (a), as disclosed at column 6, lines 14-36 and exhibited in figure 2;

(c) subsequently initiating a call from the subscriber terminal by dialing one of the short codes, as disclosed at column 6, lines 37-54 and exhibited in figure 2.

Regarding **claim 2**, Kamal discloses everything claimed as applied above (see claim 1), in addition Kamal discloses communicating the data to the subscriber terminal in an off-hook signal, as disclosed at column 5, lines 14-40 and exhibited in figure 1.

Regarding **claim 3**, Kamal discloses everything claimed as applied above (see claim 1), in addition Kamal inherently discloses wherein the data is communicated to the subscriber terminal as an in-band audio announcement.

Regarding **claim 6**, Kamal disclose everything claimed, as applied above, (see claim 1), in addition pre-programming the network inherently includes programming a number translation platform remote from the subscriber terminal with a plurality of different short dialing code allocations for a plurality of different subscriber terminals.

Regarding **claims 12-15**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-3 and 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claim 4, 8, 10, 11, 16, and 17*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamal in view of well know prior art (MPEP 2144.03).

Regarding **claim 4**, Kamal disclose everything claimed, as applied above, (see claim 2), in addition Kamal discloses wherein the data includes a paid-for advertisement for goods or services, as disclosed at column 6, lines 24-55, however, Kamal fails to

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disclose accessing by a telephone number corresponding to one of the short dialing codes. However, the examiner takes official notice of the fact that it was well known in the art to provide accessing by a telephone number corresponding to one of the short dialing codes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kamal by specifically providing accessing by a telephone number corresponding to one of the short dialing codes, for the purpose of accessing the company sponsoring the advertisement.

Regarding **claim 5**, Kamal discloses everything claimed, as applied above, (see claim 4), in addition Kamal discloses generating a network billing record at a reduced billing rate for calls made from the subscriber terminal, as disclosed at column 6, lines 29-47 and exhibited in figure 2.

Regarding **claim 8**, Kamal discloses everything claimed, as applied above, (see claim 1), however, Kamal fails to disclose programming a common group of short dialing codes for a plurality of subscribers terminals in a common geographical area. However, the examiner takes official notice of the fact that it was well known in the art to provide programming a common group of short dialing codes for a plurality of subscribers terminals in a common geographical area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kamal by specifically providing programming a common group of short dialing codes for a plurality of subscribers terminals in a

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common geographical area, for the purpose of accessing the company sponsoring the advertisement.

Regarding **claim 10**, Kamal disclose everything claimed, as applied above, (see claim 1), however, Kamal fails to disclose pre-programming the network including storing data determining the allocation of short codes at a service node located at the edge of the network. However, the examiner takes official notice of the fact that it was well know in the art to provide pre-programming the network including storing data determining the allocation of short codes at a service node located at the edge of the network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kamal by specifically providing pre-programming the network including storing data determining the allocation of short codes at a service node located at the edge of the network, for the purpose of accessing the local company sponsoring the advertisement.

Regarding **claim 11**, Kamal disclose everything claimed, as applied above, (see claim 10), however, Kamal fails to disclose the user fist initiates a call to the service node, and the service node answers the call and communicates to the user the data identifying the allocation of short codes. However, the examiner takes official notice of the fact that it was well know in the art to provide the user fist initiates a call to the service node, and the service node answers the call and communicates to the user the data identifying the allocation of short codes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kamal by specifically providing the user first initiates a call to the service node, and the service node answers the call and communicates to the user the data identifying the allocation of short codes, for the purpose of accessing the local company sponsoring the advertisement.

Regarding **claims 16 and 17**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1 and 4.

Allowable Subject Matter

3. **Claims 7 and 9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JFH
October 6, 2003


XU MEI
PRIMARY EXAMINER